IN THE HIGH COURT OF UTTARKHAND AT NAINITAL.

Writ Petition No. 1123(SS) of 2006

Navin Singh S/o late Sri Trilok Singh,
R/o Lohia Head Road, Khatima,
District Udham Singh Nagar. ------Petitioner.

Vs.

1. State of Uttarakhand through Principal Secretary Home, Dehradun,
2. The Deputy Director General Personnel (Police), Dehradun,
3. The Commandant 46th Battalion P.A.C. Task Force, Rudrapur, Udham Singh Nagar. -------Respondents.

Sri S.C. Bhatt, learned Counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Suresh Chandra Bhatt, learned Counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand/ respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order or direction in the nature of mandamus commanding the respondents to provide appointment to the petitioner under Dying-in-Harness Rules.

Stand of the petitioner is that his father, namely Sri Trilok Singh, who was working as a Cook in the 46th Battalion P.A.C. Task force, Rudrapur district Udham Singh Nagar expired on 20th October 1993. Since the petitioner was not major at the time of death of his father, therefore, he moved application for appointment under Dying-in –Harness Rules in the year 2002 that he has become major.

Learned Standing Counsel has submitted that the application has been moved after 10 years after the death of

father of the petitioner, which is not maintainable and as per the Rules, such application can be moved within 5 years from the date of death of a Govt. Servant. On the contrary learned counsel for the petitioner has contended that there is a Proviso to Rule in which the Sate Govt. has been given power to relax the period for making application and the respondents may recommend the case of the petitioner to the State Govt. for relaxation of limit for filing application for appointment under Dying-in –Harness Rules.

During the course of arguments, learned counsel for the petitioner has submitted that he has already moved application before the respondents for providing him appointment under Dying-in-Harness Rules and the respondents may be directed to take decision on the application of the petitioner with the period prescribed by this Court.

The prayer is innocuous.

Accordingly, I deem it fit and justified directing the respondents to take decision on the application of the petitioner for providing appointment under Dying-in –Harness Rules in accordance with law, within a period of two months from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of.

All the pending applications stand disposed of accordingly.

(M.M. Ghildiyal, J.)

May, 25, 2007:
NCM: